



# RESTRICTION ELECTION FACSIMILE TRANSMISSION

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COMMENTS: ATTY DOCKET 78104.023

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Serial No. 09/806,955****Attorney Docket No.: 78104.023****Filing Date: July 11, 2001****Examiner: Jamroz****Applicants: Panayi et al.****Art Unit: 1644****Title: TREATMENT OF INFLAMMATORY DISEASE****RESTRICTION RESPONSE**

**VIA FAX ONLY: 703-308-4315**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

*2/29  
12002*

**Sir:**

In response to the Office Action dated December 20, 2001, Applicants provisionally elect, with traverse, Group I, Claims 18, 19, 22-25, and 44-53.

**REMARKS**

Restriction is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required (MPEP §803). In the context of a national phase application maturing from a PCT application, restriction is proper only if the claims do not relate to a single general inventive concept (PCT Rule 13.2). Under both MPEP §803 and PCT Rule 13.2, however, the burden is on the Office to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims. Applicants respectfully traverse the restriction requirement on the grounds that the Office has not carried the burden of providing any sound reason and/or example to support the conclusion that the claims of the restricted groups are, in fact, distinct.